

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In re Petition of)	
)	
MICHIGAN ACCESS, INC.)	
)	
Emergency Petition for Waiver of the)	
Commission's Rules to Designate Michigan)	
Access an Incumbent Local Exchange Carrier in)	CC Docket No. 96-45
Two Unserved Areas in Northeast Michigan)	
)	
Petition for Waivers of the Commission's Rules to)	
Allow New Local Exchange Carrier to Participate)	
in NECA Tariffs and Pools and Obtain)	
Accelerated USF Support)	

COMMENTS OF MICHIGAN ACCESS, INC.

Michigan Access, Inc. ("Michigan Access"), through its undersigned counsel, hereby submits these comments in the above-captioned proceeding in response to the Commission's public notice requesting comment on Michigan Access's petition for waiver.¹

Since the time Michigan Access filed its petition on September 30, 2009, the company has taken several additional steps towards serving two rural areas in Northeast Michigan. All the underground cables are installed, and all necessary equipment is configured. Once the power is turned on, which should occur within the next two weeks, Michigan Access will be operationally ready to serve customers within 48 hours of the power being activated.

¹ See Comment Sought on the Petition of Michigan Access, Inc. for Waiver of Commission Rules to Become an Incumbent Local Exchange Carrier in Michigan, to Participate in the National Exchange Carrier Association Pools, and to Receive Accelerated Universal Service Fund Support, CC Docket No. 96-45, Public Notice (rel. Oct. 21, 2009).

The residents of the Kirtland and Red Dog exchanges unequivocally support Michigan Access' efforts to become the incumbent local exchange carrier (LEC) in these areas. The Big Creek, Foster, and Mentor townships have each passed a resolution stating that "Michigan Access is the only company that has shown a willingness and commitment to provide telecommunications services to the residents of [Big Creek/Foster/Mentor] township."² Furthermore, eleven residents of Foster Township signed a petition encouraging their township officials to support Michigan Access' petition.³ These residents indicate that they "have never had telephone service at our residence and the cell phone service is either not available or not reliable" and further state that they would appreciate telephone service in their areas "as many of [them] are elderly and are desperately in need of 911 services."⁴

State officials have written letters in support of Michigan Access' petition.⁵ In a letter dated November 6, 2009, Kevin Grace, the Sheriff of the Oscoda County Sheriff Department and Supervisor of the Oscoda County E-911 Dispatch Center, states that M33 Access, Michigan Access' sister company, "has shown a commitment to Oscoda County to provide quality internet and telephone service to our residents in the past." Sheriff Grace further states his view that the lack of telephone service in these areas "is

² See Resolution 2009-17, A Resolution of the Big Creek Township Board in Support of Michigan Access' Petition to Provide Telephone Service to the Residents of Big Creek Township (Oct. 20, 2009), at 1 (Big Creek Township Resolution), attached hereto as Exhibit A; A Resolution of the Foster Township Board in Support of Michigan Access' Petition to Provide Telephone Service to the Residents of Foster Township (Oct. 13, 2009), at 1 (Foster Township Resolution), attached hereto as Exhibit B; A Resolution of the Mentor Township Board in Support of Michigan Access' Petition to Provide Telephone Service to the Residents of Mentor Township (Oct. 19, 2009), at 1, attached hereto as Exhibit C (Mentor Township Resolution).

³ See Petitions Signed by Residents of Foster Township, Ogemaw County, Michigan, attached hereto as Exhibit D.

⁴ *Id.*

⁵ See Letter from Kevin R. Grace, Sheriff, Oscoda County Sheriff's Office, Oscoda County, Michigan (Nov. 6, 2009), attached hereto as Exhibit E; *see also* Letter from Joel Sheltroun, 103rd House District, Committee Chair, Tourism and Outdoor Recreation Committee, Michigan House of Representatives and Jeff Mayes, 96th House District, Committee Chair, Energy and Technology Committee, Michigan House of Representatives (Nov. 20, 2009), attached hereto as Exhibit F.

an extreme safety issue for [the residents of Oscoda County]...[which] could lead to a tragic outcome...”⁶

The evidence in this proceeding overwhelmingly demonstrates that granting Michigan Access’ petition serves the public interest. Apart from being operationally ready to serve the residents of the Kirtland and Red Dog exchanges, the residents and officials within these communities fully support Michigan Access’ actions to provide telephone service in areas. Michigan Access urges the FCC to reach a decision in this proceeding on an expedited timeframe so that the company can begin serving the residents of the Kirtland and Red Dog exchanges immediately.

Respectfully submitted,

Audrey Glenn
Compliance Partners, LLP
1629 K Street, NW
Suite 300
Washington, DC 20006
(202) 905-0487 Tel
(202) 449-1388 Fax
aglenn@CompliancePartners.net

Attorney for Michigan Access, Inc.

⁶ *Id.*

EXHIBIT A

RESOLUTION 2009-17

**A RESOLUTION OF THE BIG CREEK TOWNSHIP BOARD IN SUPPORT OF MICHIGAN
ACCESS' PETITION TO PROVIDE TELEPHONE SERVICE
TO THE RESIDENTS OF BIG CREEK TOWNSHIP**

WHEREAS, several residents within Big Creek Township do not have telephone service. There are no telephone exchange facilities in these areas, and the cellular coverage in this area is extremely poor.

WHEREAS, several residents within Big Creek Township are elderly with failing health. These residents are in desperate need of telephone service.

WHEREAS, for the past nine years, M33Access has demonstrated a commitment to Big Creek Township and its residents. Upon recognizing that the Township and its residents did not have sufficient access to the Internet, in fall 2005, Michigan Access' sister company, Installed copper and fiber lines and are installing new underground facilities in the un-served area of the Township.

WHEREAS, Michigan Access has obtained all required permits, and is currently installing new underground facilities in order to provide telephone service to several residents within un-served area. To date, Michigan Access is the only company that has shown a willingness and commitment to provide telecommunications services to the residents of Big Creek Township.

NOW, THEREFORE, BE IT RESOLVED AND DIRECTED by the Big Creek Township Board that:

The Board supports Michigan Access' petition at the FCC to provide telephone service to the residents of Big Creek Township.

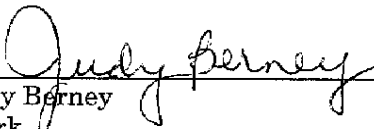
The Board encourages the Federal Communications Commission and the Michigan Public Service Commission to take whatever steps necessary in order to permit Michigan Access to provide telephone exchange services to the residents of Big Creek Township.

PASSED AND APPROVED on this 20th day of October 2009.

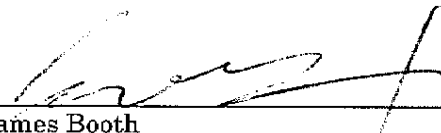
BIG CREEK TOWNSHIP BOARD

ATTEST:

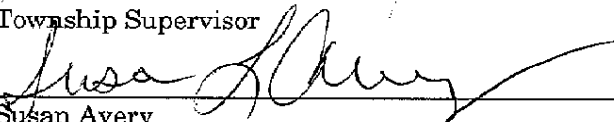
APPROVED BY:




Judy Berney
Clerk



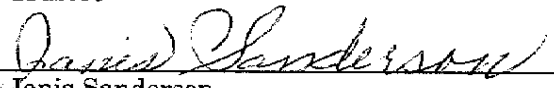
James Booth
Township Supervisor



Susan Avery
Treasurer



Marian Buchanan
Trustee



Janis Sanderson
Trustee

EXHIBIT B

**A RESOLUTION OF THE FOSTER TOWNSHIP BOARD IN SUPPORT OF MICHIGAN
ACCESS' PETITION TO PROVIDE TELEPHONE SERVICE
TO THE RESIDENTS OF FOSTER TOWNSHIP**

WHEREAS, several residents within Foster Township do not have telephone service. There are no telephone exchange facilities in these areas, and the cellular coverage in this area is extremely poor.

WHEREAS, several residents within Foster Township are elderly with failing health. These residents are in desperate need of telephone service.

WHEREAS, for the past three years, Michigan Access has demonstrated a commitment to Foster Township. Upon recognizing that the Township Board did not have access to the Internet, in July 2006, Michigan Access' sister company, M33 Access, placed a communications tower at the Foster Township Townhall at its own expense. The Internet services provided by M33 Access are used by the Foster Township Board and the Fire Department. Without M33 Access' support, Foster Township could not have otherwise afforded Internet access service.

WHEREAS, Michigan Access has obtained all required permits, and is currently installing new underground facilities in order to provide telephone service to several residents within Foster Township. To date, Michigan Access is the only company that has shown a willingness and commitment to provide telecommunications services to the residents of Foster Township.

NOW, THEREFORE, BE IT RESOLVED AND DIRECTED by the Foster Township Board that:

The Board supports Michigan Access' petition at the FCC to provide telephone service to the residents of Foster Township.

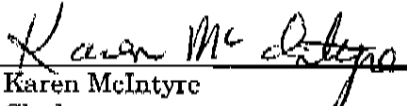
The Board encourages the Federal Communications Commission and the Michigan Public Service Commission to take whatever steps necessary in order to permit Michigan Access to provide telephone exchange services to the residents of Foster Township.

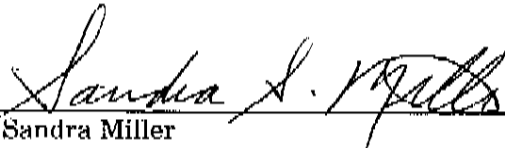
PASSED AND APPROVED on this 13th day of October 2009.

FOSTER TOWNSHIP BOARD

ATTEST:

APPROVED BY:


Karen McIntyre
Clerk


Sandra Miller
Township Supervisor

Betty Calvin
Treasurer

Steve Brenner
Trustee

Robert Mancour
Trustee

EXHIBIT C

**A RESOLUTION OF THE MENTOR TOWNSHIP BOARD IN SUPPORT OF MICHIGAN
ACCESS' PETITION TO PROVIDE TELEPHONE SERVICE
TO THE RESIDENTS OF MENTOR TOWNSHIP**

WHEREAS, residents within Mentor Township do not have telephone service. There are no telephone exchange facilities in these areas, and the cellular coverage in this area is extremely poor.

WHEREAS, residents within Mentor Township are elderly with failing health. These residents are in desperate need of telephone service.

WHEREAS, To date, Michigan Access is the only company that has shown a willingness and commitment to provide telecommunications services to the residents of Mentor Township.

NOW, THEREFORE, BE IT RESOLVED AND DIRECTED by the Mentor Township Board that:

The Board supports Michigan Access' petition at the FCC to provide telephone service to the residents of Mentor Township.

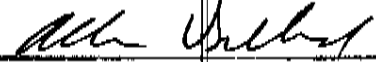
The Board encourages the Federal Communications Commission and the Michigan Public Service Commission to take whatever steps necessary in order to permit Michigan Access to provide telephone exchange services to the residents of Mentor Township.

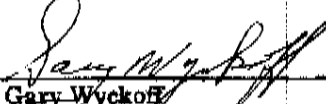
PASSED AND APPROVED on this 19th day of October 2009.

MENTOR TOWNSHIP BOARD


ATTEST:

APPROVED BY:


Allan Vallad
Clerk


Gary Wyckoff
Township Supervisor


Nancy Crane
Treasurer


Paul Matte
Trustee

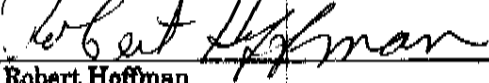

Robert Hoffman
Trustee

EXHIBIT D

We, the undersigned residents of Foster Township, Ogemaw County, Michigan request our township officials to do whatever they can to encourage Michigan Access, Inc. to provide us with telephone service. We have never had telephone service at our residences and the cell phone service is either not available or not reliable in this part of the township. Anything you can do would be most appreciated as many of us are elderly and are desperately in need of 911 services. Thank you.

Signature Dara Lee White

Printed Name DARA LEE WHITE

Address 5890 POLECAT LANE
WEST BRANCH MI 48661

Age 61

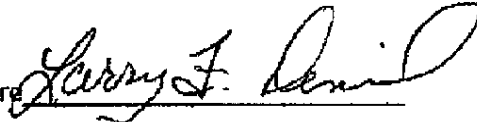
10/02/2009 15:55 0109099755

THE DAVIDS

PAGE 01/01

We, the undersigned residents of Foster Township, Ogemaw County, Michigan request our township officials to do whatever they can to encourage Michigan Access to provide us with telephone service. We have never had telephone service at our residences and the cell phone service is either not available or not reliable in this part of the township. Anything you can do would be most appreciated as many of us are elderly and are desperately in need of 911 services. Thank you.

Signature



Printed Name

Larry F. DavidAddress Sec. 6 T24N. R2E. 10.13A. NE 1/4 of NE 1/4 of NW 1/4

Age

@ 52

Donna David

age 43

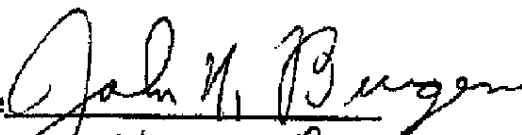
OCT-04-2009 06:02 PM MICHAEL O'CONNOR

989 345 0577

P.01

We, the undersigned residents of Foster Township, Ogemaw County, Michigan request our township officials to do whatever they can to encourage Michigan Access to provide us with telephone service. We have never had telephone service at our residences and the cell phone service is either not available or not reliable in this part of the township. Anything you can do would be most appreciated as many of us are elderly and are desperately in need of 911 services. Thank you.

Signature



Printed Name

John N. Burgess

Address

7705 Dow Rd West Branch

Age

77

4859

We, the undersigned residents of Foster Township, Ogemaw County, Michigan request our township officials to do whatever they can to encourage Michigan Access, Inc. to provide us with telephone service. We have never had telephone service at our residences and the cell phone service is either not available or not reliable in this part of the township. Anything you can do would be most appreciated as many of us are elderly and are desperately in need of 911 services. Thank you.

Signature Ronald E. Metz

Printed Name RONALD E. METZ

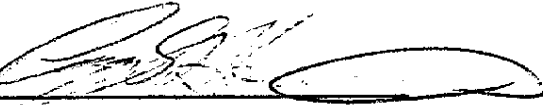
Address 5130 WARMBRIAR WHITEHALL MI

Age 69

Vacation Property across from:
5290 POLECAT LANE

We, the undersigned residents of Foster Township, Ogemaw County, Michigan request our township officials to do whatever they can to encourage Michigan Access, Inc. to provide us with telephone service. We have never had telephone service at our residences and the cell phone service is either not available or not reliable in this part of the township. Anything you can do would be most appreciated as many of us are elderly and are desperately in need of 911 services. Thank you.

Signature



Printed Name

CRAG S. HARRISON

Address

38627 TRAFALGAR WAY

Age

52

We, the undersigned residents of Foster Township, Ogemaw County, Michigan request our township officials to do whatever they can to encourage Michigan Access, Inc. to provide us with telephone service. We have never had telephone service at our residences and the cell phone service is either not available or not reliable in this part of the township. Anything you can do would be most appreciated as many of us are elderly and are desperately in need of 911 services. Thank you.

Signature James D Dubrigo

Printed Name JAMES Dubrigo

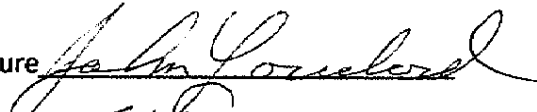
Address 14697 DARWIN CT. UTICA, MICH 48315

Age 64

BARBAR DUBRIGO WIFE

We, the undersigned residents of Foster Township, Ogemaw County, Michigan request our township officials to do whatever they can to encourage Michigan Access, Inc. to provide us with telephone service. We have never had telephone service at our residences and the cell phone service is either not available or not reliable in this part of the township. Anything you can do would be most appreciated as many of us are elderly and are desperately in need of 911 services. Thank you.

Signature



Printed Name

JOHN LOVELAND

Address

PO BOX 403 MID 48647

Age

75

We, the undersigned residents of Foster Township, Ogemaw County, Michigan request our township officials to do whatever they can to encourage Michigan Access, Inc. to provide us with telephone service. We have never had telephone service at our residences and the cell phone service is either not available or not reliable in this part of the township. Anything you can do would be most appreciated as many of us are elderly and are desperately in need of 911 services. Thank you.

Signature Richard Hawk

Printed Name RICHARD HAWK

Address 15156 MERRIMAN
LIVONIA MICH 48154

Age 52

We, the undersigned residents of Foster Township, Ogemaw County, Michigan request our township officials to do whatever they can to encourage Michigan Access, Inc. to provide us with telephone service. We have never had telephone service at our residences and the cell phone service is either not available or not reliable in this part of the township. Anything you can do would be most appreciated as many of us are elderly and are desperately in need of 911 services. Thank you.

Signature Ernest King

Printed Name ERNEST KING

Address 307 CAMPBELL ST Bay City 48708

Age 56

EXHIBIT E

Oscoda County Sheriff Department

SHERIFF

KEVIN R. GRACE

P.O. BOX 129 301 MORENCI AVE.

MIO, MI 48647



UNDERSHERIFF

EDWARD P. POKRZYWNICKI

PHONE: 989-826-3214

FAX: 989-826-6833

November 6, 2009

Re: Support for Michigan Access to provide Telephone Service to residents of Big Creek and Mentor Township of Oscoda County, Mio, MI.

To Whom It May Concern:

I wish to submit this correspondence to support allowing Michigan Access to provide telephone service to several remote residents of Oscoda County, in Big Creek and Mentor Township. I would note that it is my understanding these residents are unable to receive any phone service from any providers at this time, but Michigan Access is able and willing to provide the service, if allowed by the FCC.

Michigan Access has shown a commitment to Oscoda County to provide quality internet and telephone service to our residents in the past. I also believe they should be able to help provide the same service to the residents in question, who have slipped through the cracks and are not able to get any phone service.

It is my feeling this is an extreme safety issue for these residents and this could lead to a tragic outcome due to the time it would take for our department to provide Emergency Services for these folks if needed.

Being the Sheriff of Oscoda County and also the Supervisor of our E-911 Dispatch Center, I believe this is a sad affair that these remote county residents are not able to receive any phone service and may suffer great consequences if they ever need Emergency Services.

Lastly, may I say Thank You in advance for your consideration of Michigan Access to provide a much needed service to the great residents of Oscoda County.

Respectfully,

A handwritten signature in black ink, appearing to read "K R G", written over a horizontal line.

Kevin R. Grace, Sheriff
Oscoda County Sheriff's Office

EXHIBIT F



State Representative

STATE CAPITOL
LANSING, MICHIGAN 48913
(517) 373-3817
TOLL-FREE (888) 347-8103
FAX (517) 373-6496
E-MAIL dlat103@house.mi.gov

JOEL SHELROWN
MICHIGAN HOUSE OF REPRESENTATIVES
103RD DISTRICT

Committees:

TOURISM, OUTDOOR
RECREATION AND NATURAL
RESOURCES, CHAIR
COMMERCE
EDUCATION
INSURANCE

November 20, 2009

Ms. Marlene S. Dortch
Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: *Petition of Michigan Access, Inc. for Waiver of Commission Rules to Become
an Incumbent Local Exchange Carrier in Michigan, CC Docket No. 96-45*

Dear Ms. Dortch:

I, along with State Representative Jeff Mayes, am writing to express my support of Michigan Access' petition before the Federal Communications Commission (FCC). Michigan Access seeks to become the incumbent local exchange carrier (ILEC) in two areas in rural Northeast Michigan that are currently unserved. I commend Michigan Access' commitment to these areas, and would like to express my full support of its petition.

As demonstrated in the record of this proceeding, the residents of the communities it seeks to serve fully support Michigan Access' petition. I urge the FCC to act expeditiously to grant ILEC status in Michigan Access' favor so that the company can begin serving those customers immediately.

Should you have any questions regarding this matter, please do not hesitate to contact the undersigned.

Sincerely,

Joel Sheltrown
103rd House District

Tourism and Outdoor Recreation
Committee Chair

Jeff Mayes
96th House District

Energy and Technology
Committee Chair

